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DUFT BORNSSEN & FISHMAN, LLP
1526 SPRUCE STREET
SUITE 302
BOULDER, CO 80302

EXAMINER

PILLAI, NAMITHA

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/777,575
Filing Date: February 12, 2004
Appellant(s): CZYSZCZEWSKI ET AL.

Sean J. Varley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/11/09 appealing from the Office action mailed 5/13/09.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

7,180,638 B1	HOU	2-2007
5,361,134	HU	11-1994

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3, 5, 6, 9-12, 15-17 and 21-24 are rejected under 35 U.S.C. 101 because the claims are directed to an apparatus but do not disclose that the apparatus comprises a physical hardware device.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5, 6, 9-11, 15-17 and 21-24 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 7,180,638 B1 (Hou et al.), herein referred to as Hou.

Referring to claim 1, Hou discloses a multifunction device comprising a communication module configured to communicate with a server over a network (column 1, lines 7-9 and column 2, lines 18-20). Hou discloses a controller module configured to control the operation of the multifunction device and interface with a business application executing on the server (column 2, lines 21-29). Hou discloses that the server provides a business application interface to the multifunction device for interfacing to the business application (column 2, lines 21-23). Hou discloses a user interface module configured to present the business application interface from the server on a display integral to the multifunction device and to provide input and output fields for the business application interface to a user for user input (column 2, lines 18-23 and Figure 4). Hou discloses a source interface module configured to receive input data from at least one document data source (column 2, lines 47-50). Hou discloses that the controller module further configured to transmit the input data from the at least one document data source and the user input to the business application executing on the server (column 2, lines 41-50). Hou discloses a target interface module configured

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to output the input data from the at least one document data source and the user input as processed document data (column 2, lines 50-53).

Referring to claim 3, Hou discloses a plurality of application integration modules configured to interface with a specific business application executing on the server (Figure 2).

Referring to claim 5, Hou discloses that the user interface module is further configured to allow the user to customize the business application interface (column 5, lines 12-17).

Referring to claim 6, Hou discloses further comprising a scanning device configured to transmit document data to the source interface (column 4, lines 1-6).

Referring to claim 9, Hou discloses that the target module is configured to output the processed document data as a facsimile (column 4, lines 1-6).

Referring to claim 10, Hou discloses that the target module is further configured to output the processed document data as an e-mail (column 1, lines 32-35).

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Referring to claim 11, Hou discloses that the target module is further configured to output the processed document data to a printer on the multifunction device (column 4, lines 1-6).

Referring to claim 15, Hou discloses a computer network system comprising a server connected to a network and configured to provide business application interfaces to a multifunction device for interfacing to business applications executing on the server (column 1, lines 7-9 and column 2, lines 18-20). Hou discloses a user interface module within the multifunction device configured to communicate with a plurality of multifunction devices over the network (Figure 2). Hou discloses a facsimile module within the multifunction device, configured to send facsimiles (column 4, lines 36-40). Hou discloses an e-mail module within the multifunction device, configured to send e-mails (column 9, line 66-column 10, line 3). Hou discloses a controller module within the multifunction device configured to control the operation of the multifunction device and interface with the business applications executing on the server (Figure 3 and column 5, lines 4-23). Hou discloses that the user interface module within the multifunction device further configured to present the business application interfaces from the server on a display integral to the multifunction device and provide input and output fields for the business application interfaces to a user for user inputs (column 2, lines 18-23, Figures 4 and 5). Hou discloses a source interface module within the multifunction device configured to receive input data from at least one document data source (column 2, lines 47-50). Hou discloses that the controller module within the

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multifunction device further configured to transmit the input data from the at least one document data source and the user inputs to the business applications executing on the server (column 2, lines 41-50).

Referring to claim 16, Hou disclose that the facsimile module comprises a facsimile apparatus configured to communicate with the server over the network (Figure 3).

Referring to claim 17, Hou disclose that the e-mail module comprises an e-mail server configured to communicate with the server over the network (column 9, line 66-column 10, line 3).

Referring to claim 21, Hou discloses that the user interface module is further configured to modify the business application interface based on an identity of the user (column 5, lines 12-17).

Referring to claim 22, Hou discloses that the user interface module is further configured to receive programs from the server based on the identity of the user, and wherein the programs are operable to modify the operation of the multifunction device (column 5, lines 8-63).

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Referring to claim 23, Hou discloses that the user interface module is further configured to modify the business application interface based on an identity of the user (column 5, lines 12-17).

Referring to claim 24, Hou discloses that the user interface module is further configured to receive programs from the server based on the identity of the user, and wherein the programs are operable to modify the operation of the multifunction device (column 5, lines 8-63).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hou and U. S. Patent No. 5,361,134 (Hu et al.), herein referred to as Hu.

Referring to claim 12, Hou does not disclose that the user interface module is further configured to interface with a touch screen to allow the user input. Hu discloses interfacing with a touch screen to allow the user input (column 4, lines 57-61). It would have been obvious to one skilled in the art at the time of the invention to learn from Hu

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interfacing with a touch screen to allow the user input. As Hu discloses, a touch screen is a known form of user input that one skilled in the art uses to input data. Therefore, it would have been obvious to one skilled in the art at the time of the invention to learn from Hu interfacing with a touch screen to allow the user input.

(10) Response to Argument

a. Rejection of claims 1, 3, 5-6, 9-12, 15-17 and 21-24 under 35 U.S.C. 101.

Appellants argue that the claims disclose a statutory machine under 35 U.S.C. 101. The Examiner respectfully disagrees. The claims do not disclose that the multifunction comprises hardware elements. The modules as described in the specification as being implemented through software and execution of this software. See page 6, paragraph 21. Therefore, the modules are interpreted as being software entities and do not necessarily represent hardware devices. Furthermore, a server as disclosed in claim 15 can be interpreted as a software device. A server is interpreted as a combination of software elements that are made to provide services to remote client devices. Therefore, a server is interpreted as a software element.

b. Rejection of claims 1, 3, 5-6, 9-11, 15-17 and 21-24 under 35 U.S.C. 102(e).

Appellants argue that Hou does not disclose a multifunction device comprising a controller configured to interface with a business application executing on a server, wherein the server provides a business application interface to the multifunction device for interfacing to the business application. The Examiner respectfully disagrees. The business application in Hou is the web application with business services that the user can access to send the fax. Figure 4 displays an interface that is presented to the user on the remote client device which serves as the multifunction device. This device displays the user interface of the business application to the user and interfaces with the web fax server to send the fax. As shown in Figure 2, the web fax server interfaces with the mail server and the internet which includes the business applications. Furthermore, the web fax server interfaces with the proxy server through the Intranet as shown in Figure 2.

Appellants argue that Hou does not teach a multifunction device comprising a user interface module further configured to present the business application interface from the server on a display integral to the multifunction device and to provide input and output fields for the business application interface to a user for user input. The Examiner respectfully disagrees. Figure 4 of Hou discloses a user interface that presents the business application interface accessed from a server and displayed on a client computer. The client computer is the multifunction device that comprises the user interface of Figure 4. This display is clearly integral to the multifunction device.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Namitha Pillai/

Primary Examiner, Art Unit 2173

Namitha Pillai
Primary Patent Examiner
Art Unit 2173
January 29, 2010

Conferees:

/Kieu Vu/
Supervisory Patent Examiner, Art Unit 2173

/William L. Bashore/
Supervisory Patent Examiner, Art Unit 2175